

AMENDED IN SENATE APRIL 28, 2003

SENATE BILL

No. 816

Introduced by Senator ~~Perata-Alarcon~~

February 21, 2003

~~An act to amend Section 4980.43 of the Business and Professions Code, relating to marriage and family therapists. An act to add Chapter 21 (commencing with Section 9900) to Division 3 of the Business and Professions Code, relating to business ethics.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 816, as amended, ~~Perata-Alarcon. Marriage and family therapists- Commission on Business Ethics.~~

Existing law requires the Department of Consumer Affairs to regulate various professions and vocations.

This bill would create the California Commission on Business Ethics. The bill would specify that 9 commissioners serve on a voluntary basis and that they be appointed in equal numbers by the Senate, the Assembly, and the Governor. The bill would require the commission to develop regulations for ethical business practices and corporate responsibility, to refine the parameters for a "socially responsible business" for public contract procurement, to propose disciplinary fines and actions for business and corporate executives and directors who violate ethical standards, to make referrals to the Department of Justice and other law enforcement agencies for criminal or civil actions for a violation of ethical standards, and to index and rank socially responsible businesses.

~~Existing law provides for the licensure and regulation of marriage and family therapists by the Board of Behavioral Sciences. Under existing law, a marriage and family therapy intern or trainee is required~~

~~to gain experience as an employee or volunteer in specified work settings, including governmental entities, schools, colleges or universities, and other specified facilities.~~

~~This bill would instead authorize an intern or trainee to gain experience in any lawful work setting where a trainee provides services that meet certain requirements.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

~~SECTION 1. Section 4980.43 of the Business and Professions~~

SECTION 1. (a) The Legislature finds and declares that ethics in business are vital to the economic well-being of the state.

(b) It is, therefore, the intent of the Legislature to enact legislation to establish the Socially Responsible Business Leadership Initiative to prepare and inspire California business graduates to apply their business skills to enhance the common good.

SEC. 2. Chapter 21 (commencing with Section 9900) is added to Division 3 of the Business and Professions Code, to read:

CHAPTER 21. BUSINESS ETHICS

9900. The California Commission on Business Ethics is hereby created in state government.

9901. (a) The commission shall be comprised of nine members who represent the state's diverse cultural, geographical, and economic composition.

(b) At a minimum, the commission shall include members representing:

(1) Labor and human rights.

(2) Civil rights and diversity.

(3) The environment.

(4) The business community of the state.

(5) Customers and consumers of products.

(6) Ethics specialists and the legal field.

(7) University business schools.

(8) Corporate shareholders.

(9) Public health.

1 (c) *The commissioners shall serve on a voluntary basis and*
2 *shall be appointed in equal numbers by the Senate, the Assembly,*
3 *and the Governor.*

4 9902. *The commission shall do the following:*

5 (a) *Develop regulations for ethical business practices and*
6 *corporate responsibility.*

7 (b) *Refine the parameters for a “socially responsible business”*
8 *for public contract procurement.*

9 (c) *Propose disciplinary fines and actions against business and*
10 *corporate executives and directors who violate ethical standards.*

11 (d) *Authorize referrals to the Department of Justice or other*
12 *law enforcement agencies for criminal or civil actions for a*
13 *violation of ethical standards.*

14 (e) *Index and rank socially responsible businesses.*

15 9903. *For purposes of this chapter a “socially responsible*
16 *business” is a business that has shown due respect for and*
17 *safeguards the environment, human rights, public health and*
18 *safety, the dignity of its employees, and the welfare of communities*
19 *in which the business operates.*

20 ~~Code is amended to read:~~

21 ~~4980.43.—(a) For all applicants, a minimum of two calendar~~
22 ~~years of supervised experience is required, which shall consist of~~
23 ~~3,000 hours obtained over a period of not less than 104 weeks. Not~~
24 ~~less than 1,500 hours of experience shall be gained subsequent to~~
25 ~~the granting of the qualifying master’s or doctor’s degree. For~~
26 ~~those applicants who enroll in a qualifying degree program on or~~
27 ~~after January 1, 1995, not more than 750 hours of counseling and~~
28 ~~direct supervisor contact may be obtained prior to the granting of~~
29 ~~the qualifying master’s or doctor’s degree. However, this~~
30 ~~limitation shall not be interpreted to include professional~~
31 ~~enrichment activities. Except for personal psychotherapy hours~~
32 ~~gained after enrollment and commencement of classes in a~~
33 ~~qualifying degree program, no hours of experience may be gained~~
34 ~~prior to becoming a trainee. All experience shall be gained within~~
35 ~~the six years immediately preceding the date the application for~~
36 ~~licensure was filed, except that up to 500 hours of clinical~~
37 ~~experience gained in the supervised practicum required by~~
38 ~~subdivision (b) of Section 4980.40 shall be exempt from this~~
39 ~~six-year requirement.~~

~~(b) (1) All applicants and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of marriage and family therapy.~~

~~(2) An intern or trainee shall gain experience either as an employee or as a volunteer in a lawful work setting, as specified in subdivision (c).~~

~~(3) The requirements of this chapter regarding gaining hours of experience and supervision are applicable equally to employees and volunteers. Experience shall not be gained by interns or trainees as an independent contractor.~~

~~(c) Supervision shall include at least one hour of direct supervisor contact for each week of experience claimed. A trainee shall receive an average of at least one hour of direct supervisor contact for every five hours of client contact in each setting. A person gaining postdegree experience shall receive an average of at least one hour of direct supervisor contact for every 10 hours of client contact in each setting in which experience is gained. For purposes of this section, "one hour of direct supervisor contact" means one hour of face-to-face contact on an individual basis or two hours of face-to-face contact in a group of not more than eight persons. The contact may be counted toward the experience requirement for licensure, up to the maximum permitted by subdivision (d). All experience gained by a trainee shall be monitored by the supervisor as specified in regulation. The 5-to-1 and 10-to-1 ratios specified in this subdivision shall be applicable to all hours gained on or after January 1, 1995.~~

~~(d) (1) The experience required by Section 4980.40 shall include supervised marriage and family therapy, and up to one-third of the hours may include direct supervisor contact and other professional enrichment activities.~~

~~(2) "Professional enrichment activities," for the purposes of this section, may include group, marital or conjoint, family, or individual psychotherapy received by an applicant. This psychotherapy may include up to 100 hours taken subsequent to enrolling and commencing classes in a qualifying degree program, or as an intern, and each of those hours shall be triple counted~~

1 toward the professional experience requirement. This
2 psychotherapy shall be performed by a licensed marriage and
3 family therapist, licensed clinical social worker, licensed
4 psychologist, licensed physician certified in psychiatry by the
5 American Board of Psychiatry and Neurology, or a licensed
6 physician who has completed a residency in psychiatry.

7 (e) (1) For purposes of this chapter, “lawful work setting”
8 means a setting where a trainee provides services, and includes, but
9 is not limited to, either of the following:

10 (A) Licensed health facilities, nonprofit and charitable
11 organizations, governmental entities, educational institutions,
12 mental health centers, and community treatment facilities.

13 (B) Entities that contract with the facilities listed in
14 subparagraph (A).

15 (2) Except for work performed in a private practice setting, a
16 trainee may gain hours of experience required by Section 4980.40
17 in any lawful work setting as long as the work performed meets all
18 of the following requirements:

19 (A) Regularly includes mental health counseling or
20 psychotherapy.

21 (B) Is within a marriage and family therapist’s scope of
22 practice.

23 (C) Is provided solely as part of the position for which he or she
24 is an employee or volunteer.

25 (D) Complies with all of the requirements of this chapter.

26 (f) The experience required by Section 4980.40 may be gained
27 as an intern as specified in subdivision (e), or when employed in
28 a private practice owned by a licensed marriage and family
29 therapist, a licensed psychologist, a licensed clinical social worker,
30 a licensed physician and surgeon, or a professional corporation of
31 any of those licensed professions. Employment in a private
32 practice setting shall not commence until the applicant has been
33 registered as an intern. When an intern is employed in a private
34 practice setting by any licensee enumerated in this section, or by
35 a professional corporation of any of those licensees, the intern shall
36 be under the direct supervision of a licensee enumerated in
37 subdivision (f) of Section 4980.40 who shall be employed by and
38 practice at the same site as the intern’s employer. An intern
39 employed in a private practice setting shall not pay his or her
40 employer for supervision. While an intern may be either a paid

1 employee or a volunteer, employers are encouraged to provide fair
2 remuneration.

3 ~~(g) All interns shall register with the board in order to be~~
4 ~~credited for postdegree hours of experience gained toward~~
5 ~~licensure, regardless of the setting where those hours are to be~~
6 ~~gained. Except as provided in subdivision (h), all postdegree hours~~
7 ~~shall be gained as a registered intern.~~

8 ~~(h) Except when employed in a private practice setting, all~~
9 ~~postdegree hours of experience shall be credited toward licensure~~
10 ~~so long as the applicant applies for the intern registration within 90~~
11 ~~days of the granting of the qualifying master's or doctor's degree~~
12 ~~and is thereafter granted the intern registration by the board.~~

13 ~~(i) Trainees and interns shall not receive any remuneration~~
14 ~~from patients or clients, and shall only be paid by their employer.~~

15 ~~(j) Trainees and interns shall only perform services at the place~~
16 ~~where their employer regularly conducts business, which may~~
17 ~~include performing services at other locations, so long as the~~
18 ~~services are performed under the direction and control of their~~
19 ~~employer and supervisor, and in compliance with the laws and~~
20 ~~regulations pertaining to supervision. Trainees and interns shall~~
21 ~~have no proprietary interest in the employer's business.~~

22 ~~(k) An intern or trainee who provides volunteered services or~~
23 ~~other services, and who receives no more than a total, from all~~
24 ~~work settings, of five hundred dollars (\$500) per month as~~
25 ~~reimbursement for expenses actually incurred by that intern or~~
26 ~~trainee for services rendered in any lawful work setting other than~~
27 ~~a private practice shall be considered an employee and not an~~
28 ~~independent contractor. The board may audit applicants who~~
29 ~~receive reimbursement for expenses, and the applicant shall have~~
30 ~~the burden of demonstrating that the payments received were for~~
31 ~~reimbursement of expenses actually incurred.~~

32 ~~(l) Each educational institution preparing applicants for~~
33 ~~licensure pursuant to this chapter shall consider requiring, and~~
34 ~~shall encourage, its students to undergo individual, marital or~~
35 ~~conjoint, family, or group counseling or psychotherapy, as~~
36 ~~appropriate. Each supervisor shall consider, advise, and~~
37 ~~encourage his or her interns and trainees regarding the~~
38 ~~advisability of undertaking individual, marital or conjoint, family,~~
39 ~~or group counseling or psychotherapy, as appropriate. Insofar as~~
40 ~~it is deemed appropriate and is desired by the applicant, the~~

1 ~~educational institution and supervisors are encouraged to assist~~
2 ~~the applicant in locating that counseling or psychotherapy at a~~
3 ~~reasonable cost.~~

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